

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	No. 07 CR 222
vs.)	
)	<u>Violation:</u> Title 18,
ROGER UNTERBERGER,)	United States Code,
MUHAMMAD BHATTI, and)	Section 1001(a)(1)
GO-TRANS (NORTH AMERICA) INC.)	

The UNITED STATES ATTORNEY charges:

1. At all times material to the charge in this information:

Defendants

(a) Defendant ROGER UNTERBERGER was a senior vice president of Gondrand AG, an international freight transport and shipping company headquartered in Basel, Switzerland.

(b) Gondrand conducted business through a group of subsidiary and affiliate companies located in Europe and the United States, including Atege GMBH, located in Frankfurt, Germany, and defendant GO-TRANS (NORTH AMERICA) INC., located in Jamaica, New York.

(c) Defendant MUHAMMAD BHATTI was the chief operating officer of GO-TRANS (NORTH AMERICA) INC.

Shipping Declarations

(d) Under federal law (specifically, the Foreign Trade Statistics Regulations, Title 15, Code of Federal Regulations, Part 30), persons seeking to export certain goods from the United States, such as goods with a value of more than \$2,500,

or seeking to export goods of any value to certain countries, such as Iran, were required to complete and submit a form, known as a “Shipper’s Export Declaration,” to the United States government (more specifically, to U.S. Customs and Border Protection and the U.S. Census Bureau), prior to exportation. Among the things to be identified on the Shipper’s Export Declaration was the principal party in interest in the United States (that is, the name and address of the person in the U.S. that would be receiving the primary benefit, monetary or otherwise, of the export transaction), a description of the goods to be exported, the value of the goods, and the country of ultimate destination. The U.S. principal party in interest or an authorized agent was required to sign the Shipper’s Export Declaration (“SED”), certifying the truth and accuracy of the information set forth in the SED.

(e) If an export transaction was exempt from the SED filing requirement, a reference to the applicable section of the federal law exempting the transaction (Title 15, Code of Federal Regulations, Sections 30.50-30.58) was required to be noted on the bill of lading, air waybill, or other loading document.

(f) Title 15, Code of Federal Regulations, Section 30.55(h) exempted from the SED filing requirement goods with a value of \$2,500 or less. However, that exemption did not apply to goods intended for export to certain prohibited destinations, including Iran.

(g) Goods intended for export from the United States, and their accompanying shipping documents, were subject to inspection by U.S. Customs and Border Protection.

Iranian Embargo

(h) The exportation of goods to Iran generally was banned as a result of a series of Executive Orders issued by the President of the United States in 1995 and 1997. The President's Executive Orders imposed economic sanctions, including a trade embargo, on Iran.

(i) The U.S. Department of Treasury, Office of Foreign Assets Control, promulgated regulations, known as the Iranian Transactions Regulations (Title 31, Code of Federal Regulations, Part 560), to implement and enforce the President's Executive Orders. The Iranian Transactions Regulations generally prohibited the exportation of goods to Iran, regardless of whether such goods were to be shipped to Iran directly or indirectly through a third country.

(j) The Office of Foreign Assets Control had the authority to license persons to export certain goods to Iran during the embargo. Persons seeking to export goods to Iran were required to apply for and obtain an export license from the Office of Foreign Assets Control prior to exporting the goods.

Defendants' Attempted Exportation of Goods to Iran

(k) During the period between about December 2002 and March 2003, UNTERBERGER, BHATTI, and GO-TRANS (NORTH AMERICA) INC. made plans to export, from the United States to Iran, an industrial pipe cutting machine and related accessories, specifically, a spare chain and slitting saws, which had been purchased from a machinery company in Wheeling, Illinois, at a total cost of more than \$34,000. The goods were transported to a port at JFK International Airport in New

York, but were seized by government authorities prior to their exportation.

(l) At no time prior to the seizure did UNTERBERGER, BHATTI, GO-TRANS (NORTH AMERICA) INC., or any agent, affiliate, or associate of theirs, apply for and obtain an export license from the Office of Foreign Assets Control. Nor did they disclose on any shipping document that the value of the goods exceeded \$2,500 and that the goods were ultimately destined for Tehran, Iran. Instead, the air waybill accompanying the shipment, dated March 18, 2003, stated that the goods were destined for Atege GMBH in Frankfurt, Germany. The cargo manifest accompanying the goods also stated that the destination of the goods was Frankfurt, Germany. The cargo manifest further stated, among other things, that no SED was required under section 30.55(h) of the Federal Trade Statistics Regulations.

2. On or about March 18, 2003, in New York and elsewhere within and outside the United States,

ROGER UNTERBERGER,
MUHAMMAD BHATTI, and
GO-TRANS (NORTH AMERICA) INC.,

defendants herein, and others, knowingly and willfully falsified, concealed, and covered up by trick, scheme, and device a material fact in a matter within the jurisdiction of the executive branch of the Government of the United States; more specifically, defendants falsified, concealed, and covered up the material fact that the intended final destination of the pipe cutting machine and accessories was Iran, a fact which they falsified, concealed, and covered up by the following acts, among others:

(a) making arrangements to have the goods shipped to Iran indirectly,

through a third country (Germany);

(b) preparing and causing the preparation of an air waybill which stated that the goods were destined for Germany and which concealed that the goods were actually destined for Iran; and

(c) preparing and causing the preparation of a cargo manifest which stated that the goods were destined for Germany; concealed that the goods were actually destined for Iran; and falsely represented that the goods were exempt from the SED filing requirement pursuant to section 30.55(h) of the Federal Trade Statistics Regulations, when in fact, as defendants well knew, the goods were not exempt from the SED filing requirement;

In violation of Title 18, United States Code, Section 1001(a)(1).

UNITED STATES ATTORNEY